

E-015, 128/SA-94-141,142,143,144 Order Determining Service Area Boundaries

ISSUE DATE: December 5, 199

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm
Tom Burton
Marshall Johnson
Cynthia A. Kitlinski
Dee Knaak

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of North Pine Electric
Cooperative's Service Area Complaints against
Minnesota Power and Its Request for an Order
Determining Service Area Boundaries

ISSUE DATE: December 5, 1994

DOCKET NO. E-015, 128/SA-94-
141,142,143,144

ORDER DISMISSING COMPLAINTS

PROCEDURAL HISTORY

On February 10, 1994, North Pine Electric Cooperative (North Pine or the Co-op) filed four service area complaints.

In the first three complaints the Co-op asked the Commission to order Minnesota Power to cease violating the Co-op's service territory, to discontinue service to the areas at issue, and to pay damages for violating the Co-op's assigned service area. The Co-op also asked the Commission to refer the Co-op's actions to the Minnesota Attorney General for assessment of penalties under Minn. Stat. § 216B.57 et seq.

In the fourth complaint the Co-op asked the Commission to clarify the location of the boundary between the two service territories.

On March 16, 1994, the Commission issued its ORDER REQUIRING FURTHER FILINGS. In that Order the Commission determined that further filings were necessary to define the issues and to clarify whether or not there were material facts in dispute. The Commission also ordered the Department of Public Service (the Department) to conduct an investigation regarding the location of the utilities' common service territory boundary.

On October 25, 1994, the parties filed a Settlement and Stipulation Agreement (the Agreement) signed by Minnesota Power, North Pine, and the Department. On the same date, North Pine submitted a letter requesting dismissal of the four complaints.

On November 23, 1994, the Co-op's request for dismissal came before the Commission for consideration.

FINDINGS AND CONCLUSIONS

I. TERMS OF THE AGREEMENT

The main terms of the parties' Agreement are as follows:

1. The parties agree that each utility will retain all customers to whom it is currently

providing service.

2. Within 60 days of the signing of the Agreement, Minnesota Power and North Pine will file a joint request for a service territory map adjustment.
3. The utilities agree to complete an audit confirming that all customers served in each territory are served by the correct utility.
4. The parties agree that a utility has no right to permit a customer to construct a service line crossing another utility's service territory line to deliver service into the other utility's exclusive service territory, except as permitted by law, rule, or applicable regulation.
5. Minnesota Power will transfer approximately 80 acres of its service territory in Pine County to North Pine. Both utilities will file to change the electric service provider to Mission Creek, Carriage Hill, and the east one-half of Sunset Estates.
6. North Pine will move to dismiss the four service area complaints filed with the Commission.

II. COMMISSION ACTION

The issues in dispute have been resolved to the satisfaction of the Co-op, Minnesota Power, and the Department. The parties have memorialized their agreement in a Settlement and Stipulation which they have filed as part of the record of this proceeding. The Department's investigation into the location of the common service line boundary is moot, since the parties have resolved this matter to their mutual satisfaction.

The Co-op has requested that its four complaints be dismissed. The Commission finds that there is no further action necessary. The Commission will dismiss the service area complaints and close the docket.

ORDER

1. The Commission dismisses North Pine Electric Cooperative's four service area complaints.
2. This docket is closed.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)